

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Case No. 24-43428  
Chapter 13

Isabel Cristina Vilbrandt Medeiros,  
  
Debtor.

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**NOTICE OF HEARING AND MOTION OBJECTING TO  
CONFIRMATION OF CHAPTER 13 PLAN**

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To: The Debtors and other entities specified in Local Rule 9013-3(c).

1. Staring Lake Village Home Association, Inc. (hereinafter “Movant” and “Association”), by its undersigned attorney, moves the Court for relief requested below and gives Notice of Hearing within.

2. This objection is filed pursuant to 11 U.S.C. §§ 1322 and 1325, Federal Rules of Bankruptcy Procedure Rules 3015(f) and 9014, and Local Rules 3015-1. Movant requests that the Court enter an order denying confirmation of the Debtor’s Chapter 13 plan.

3. The Court will hold a hearing on this Motion at 10:30 a.m. on **Wednesday, February 13, 2025** in Courtroom 2C, 2<sup>nd</sup> Floor, 316 North Robert street, St. Paul, Minnesota 55101, or as soon thereafter as counsel can be heard.

4. Any response to this motion must be filed and delivered no later than **Wednesday, February 12, 2025** at 10:30 a.m. on all parties required to be served pursuant to Local Rule 9013-3, United States Bankruptcy Court, District of Minnesota, which is 24 hours before the time set for hearing, or file and served by mail no later than **Monday, February 10, 2025**, which is three days before the times set for hearing. **UNLESS A REPLY OPPOSING THE OBJECTION IS TIMELY FILED, THE COURT MAY SUSTAIN THE OBJECTION WITHOUT A HEARING.**

5. This Court has jurisdiction over this Motion proceeding under 28 U.S.C. §§ 157(a) and 1344(a), Federal Rules of Bankruptcy Procedure Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The Petition commencing this case was filed on October 3, 2024.

6. The Debtor has scheduled an interest in the real property located at 13190 Murdock Terrace, Eden Prairie, Minnesota 55347 (the “Property”). The Property is located within a homeowners association that is operated and managed by the Association. The Property is also subject to Minnesota Stat. § 515B (the Minnesota Common Interest Ownership Act) and the Common Interest Community Number 798, (Condominium), Staring Lake Village Homes Declaration, filed for record in the Office of the Registrar of Titles for Hennepin County as Document Number 2795574 (the “Declaration”).

7. Movant has a perfected lien against the Real Property in the pre-petition amount of \$38,095.21 for unpaid assessments due and owing pursuant to the provisions of the Declaration and Minn. Stat. § 515B. Movant is filing a proof of claim against the Debtor’s bankruptcy estate with further detail supporting the claim.

8. The Debtor filed a Chapter 13 Plan on December 13, 2024. The Plan fails to list account for the entirety of Movant’s secured claim in either Part 5, 6 or 7 as being current or in default. The Movant has identified the claim in Part 6 of the Plan, but lists the amount of the default as only \$4,000.00. As represented in Movant’s proof of claim, the appropriate claim amount for the Association’s pre-petition secured claim is 38,095.21.

9. The Plan fails to provide for sufficient payments to the Association to satisfy the pre-petition balance owed to Movant. Therefore, Movant will not receive the total amount of pre-petition arrearages that is owed.

10. In its current form, the Plan does not provide for the curing of any default owed to the Movant, contrary to the provisions of 11 U.S.C. §§ 1322(b) and 1325. As such, Movant objects to the Plan in its current form.

11. **This is an attempt to collect a debt and any information will be used for that purpose.** This notice is required by the provisions of the Fair Debt Collection Practice Act and does not imply that we are attempting to collect money from anyone who has discharged the debt under the Bankruptcy Laws of the United States.

**WHEREFORE**, Movant prays:

1. For an Order denying confirmation of the Debtor's proposed Chapter 13 plan and requiring the Debtor to modify said plan in a timely manner; or, in the alternative, dismissing this case.

2. For such other and further relief as the Court finds just and proper.

**GREENSTEIN SELLERS PLLC**

Dated: February 6, 2025

By: /s/ Matthew D. Swanson  
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